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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,021	08/16/2006	Dennis G. Gricpentrog	1335.367	9304
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BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203			EXAMINER WHITE, RODNEY BARNETT	
			ART UNIT 3636	PAPER NUMBER
			NOTIFICATION DATE 08/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary	Application No. 10/598,021	Applicant(s) GRIEPENTROG, DENNIS G.	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-7, and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Burge (U.S. Patent No. 1,023,620).

Burge teaches a mobile desk adapted to be supported by a support surface such as a floor, comprising: a base including a front base member and a rear base member, wherein the front and rear base members include rollers 37 that engage the support surface; an upwardly extending seat support member 25 defining a lower end secured to the base; an upwardly extending worksurface support member defining a lower end secured to the base; a seat 10 secured to and supported above the base by the seat support member; and a worksurface 50 secured to and supported above the base by the worksurface support member, wherein the base includes a central axial base member, and wherein the front base member and the rear base member are connected to the central axial base member and extend transversely relative to the central axial base member, wherein the front base member, the rear base member and the central axial base member lie in a common plane oriented parallel to the support surface further comprising a handle arrangement associated with the seat for facilitating movement of the desk from one location to another on the support surface, wherein the seat includes an upwardly facing seat section and a forwardly facing back section, and wherein the handle arrangement includes an opening in an upper area of the back section, wherein the opening is configured to receive a user's fingers to enable the user to grasp the back section of the seat for moving the desk on the support surface.

Claims 1-2, 6-7, 12-13, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bainbridge et al (U.S. Patent No. 4,632,410).

Bainbridge et al teaches a mobile desk adapted to be supported by a support surface such as a floor, comprising: a base including a front base member and a rear base member, wherein the front and rear base members include rollers 7 that engage the support surface; an upwardly extending seat support member defining a lower end secured to the base; an upwardly extending worksurface support member defining a lower end secured to the base; a seat 3 secured to and supported above the base by the seat support member; and a worksurface 5 secured to and supported above the base by the worksurface support member, wherein the seat is secured to the seat support member via an adjustable height seat mounting arrangement for varying the height of the seat relative to the support surface, and wherein the worksurface is secured to the worksurface support member via an adjustable height worksurface mounting arrangement for varying the height of the worksurface relative to the support surface, wherein the base includes a central axial base member, and wherein the front base member and the rear base member are connected to the central axial base member and extend transversely relative to the central axial base member, wherein the front base member, the rear base member and the central axial base member lie in a common plane oriented parallel to the support surface, wherein the worksurface support member comprises a tubular member defining an internal passage, and wherein the worksurface is mounted to the worksurface support member via a stem depending from the worksurface and received within the internal passage of the worksurface support

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member, and wherein the worksurface height adjustment arrangement includes a variable position engagement arrangement interposed between the stem and the worksurface support member.

Claims 1-4, 6-8, 12-13, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bujaryn (U.S. Patent No. 5,542,746).

Bujaryn teaches a mobile desk adapted to be supported by a support surface such as a floor, comprising: a base including a front base member and a rear base member, wherein the front and rear base members include rollers 1 that engage the support surface; an upwardly extending seat support member defining a lower end secured to the base; an upwardly extending worksurface support member defining a lower end secured to the base; a seat 7 secured to and supported above the base by the seat support member; and a worksurface 16 secured to and supported above the base by the worksurface support member, wherein the seat is secured to the seat support member via an adjustable height seat mounting arrangement for varying the height of the seat relative to the support surface, and wherein the worksurface is secured to the worksurface support member via an adjustable height worksurface mounting arrangement for varying the height of the worksurface relative to the support surface, wherein the adjustable height seat mounting arrangement comprises a cylinder assembly including a cylinder and an extendible and retractable rod 6b or 6c, and further comprising an actuator secured to an underside defined by the seat for providing selective extension and retraction of the rod to adjust the height of the seat (See

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Figures 1, 7, 9-10, 23, and 26), wherein the base includes a central axial base member, and wherein the front base member and the rear base member are connected to the central axial base member and extend transversely relative to the central axial base member, wherein the front base member, the rear base member and the central axial base member lie in a common plane oriented parallel to the support surface, wherein the rollers are incorporated in end-type casters, each of which is mounted to an end of one of the front and rear base members, wherein the worksurface support member comprises a tubular member defining an internal passage, and wherein the worksurface is mounted to the worksurface support member via a stem depending from the worksurface and received within the internal passage of the worksurface support member, and wherein the worksurface height adjustment arrangement includes a variable position engagement arrangement interposed between the stem and the worksurface support member, wherein the front and rear transverse base members define spaced apart ends, and wherein the roller arrangement comprises a pair of front casters mounted one to each end of the front transverse base member, and a pair of rear casters mounted one to each end of the rear transverse base member, wherein each caster includes a wheel.

Claims 1-4 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Moglin et al (U.S. Patent No. 7,134,719 B2).

Moglin et al teaches a mobile desk adapted to be supported by a support surface such as a floor, comprising: a base including a front base member and a rear base

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member, wherein the front and rear base members include rollers 40 that engage the support surface; an upwardly extending seat support member defining a lower end secured to the base; an upwardly extending worksurface support member defining a lower end secured to the base; a seat secured to and supported above the base by the seat support member; and a worksurface 114 secured to and supported above the base by the worksurface support member, wherein the seat is secured to the seat support member via an adjustable height seat mounting arrangement for varying the height of the seat relative to the support surface, and wherein the worksurface is secured to the worksurface support member via an adjustable height worksurface mounting arrangement for varying the height of the worksurface relative to the support surface, wherein the adjustable height seat mounting arrangement comprises a cylinder assembly including a cylinder and an extendible and retractable rod, and further comprising an actuator secured to an underside defined by the seat for providing selective extension and retraction of the rod to adjust the height of the seat.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujaryn (U.S. Patent No. 5,542,746) in view of Onishi (U.S. Patent No. 6,776,452 B2).

Bujaryn teaches the structure substantially as claimed including a mobile desk adapted to be supported by a support surface such as a floor, comprising: a base including a front base member and a rear base member, wherein the front and rear base members include rollers 1 that engage the support surface; an upwardly extending seat support member defining a lower end secured to the base; an upwardly extending worksurface support member defining a lower end secured to the base; a seat 7 secured to and supported above the base by the seat support member; and a worksurface 16 secured to and supported above the base by the worksurface support member, wherein the seat is secured to the seat support member via an adjustable height seat mounting arrangement for varying the height of the seat relative to the support surface, and wherein the worksurface is secured to the worksurface support member via an adjustable height worksurface mounting arrangement for varying the height of the worksurface relative to the support surface, but it is not clear if actuator rods 6b and 6c are the same or function the same in adjusting the height of the seat as the actuator rod of the present invention. However, Onishi teaches an adjustable height seat mounting arrangement comprises a cylinder assembly including a cylinder and an extendible and retractable rod (not labeled), and further comprising an actuator (not labeled) secured to an underside defined by the seat for providing selective extension and retraction of the rod to adjust the height of the seat (See Figures 2 and 5). It would have been obvious and well within the level of ordinary skill in the art to modify the

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desk, as taught by Bujaryn, to include an actuator rod, as taught by Onishi, since one actuator is an alternative convention method of adjusting the seat as the other.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bujaryn (U.S. Patent No. 5,542,746) in view of Callegari (U.S. Patent No. 6,269,578 B1).

Bujaryn teaches the structure substantially as claimed including the worksurface support comprises an upstanding tubular member, and wherein the adjustable height worksurface mounting arrangement comprises a worksurface support stem depending from the worksurface and received within the upstanding tubular member but does not teach that the stem including a series of vertically spaced openings, and an engagement member adapted for engagement with the upstanding tubular member and with a selected one of the vertically spaced openings for positioning the worksurface at a selected height relative to the support surface. However, Callegari teaches a worksurface support comprises an upstanding tubular member, and wherein the adjustable height worksurface mounting arrangement comprises a worksurface support stem depending from the worksurface and received within the upstanding tubular member but does not teach that the stem including a series of vertically spaced openings, and an engagement member adapted for engagement with the upstanding tubular member and with a selected one of the vertically spaced openings for positioning the worksurface at a selected height relative to the support. It would have been obvious and well within the level of ordinary skill in the art to modify the desk, as taught by Bujaryn, to include a height adjustment mechanism for the worksurface, as

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taught by Callegari, since the vertically spaced openings, and an engagement member adapted for engagement with the upstanding tubular member and with a selected one of the vertically spaced openings would be an easier method of adjusting the worksurface.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujaryn (U.S. Patent No. 5,542,746) in view of Sakurai (U.S. Patent No. 6,419,319 B1).

Bujaryn teaches the structure substantially but does not teach that the casters are lockable. However, Sakurai teaches lockable casters. It would have been obvious and well within the level of ordinary skill in the art to modify the desk, as taught by Bujaryn, to include a lockable casters, as taught by Sakurai, since the lockable casters would allow the casters to lock and prevent movement when desired or if needed.

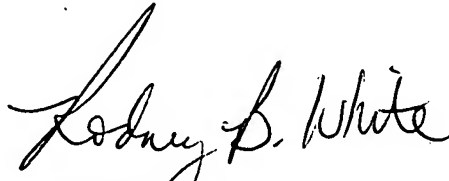
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moll et al, Speakman et al, Agnew, Stevens, Abbott, Hamilton, Drummey , Fotre, Oom et al, Kump, Jr. , Humphries et al, and Giannelli et al teach structures similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
August 7, 2007



RODNEY B. WHITE
PRIMARY EXAMINER